

REMARKS

This is in response to the Office Action dated January 26, 2006. Claims 1-40 are pending.

Applicant notes with appreciation the Examiner's indication that claims 4, 7, 15 and 17 contain allowable subject matter. In this regard, allowable claims 7 and 17 have been essentially rewritten in independent form, and subject matter from allowable claim 4/15 has been added to independent claims 1, 12 and 37. Thus, given the Examiner's indication of allowable subject matter, claims 1-21 and 37-40 are now in condition for allowance.

Claim 22

Claim 22 stands rejected under Section 102(b) as being allegedly anticipated by Boire. This Section 102(b) rejection is respectfully traversed for at least the following reasons.

Claim 22 requires that "the coated article is capable of being heat treated for 18 minutes at a furnace temperature of about 650 degrees C without realizing a visible transmission decrease of more than 1% from the 8 minute mark to the 18 minute mark of such heat treatment, measured monolithically." Boire fails to disclose or suggest this. There is no mention in Boire of anything akin to this. Moreover, Boire's structure is much different than the example non-limiting structure in the instant specification that is capable of realizing this feature. Accordingly, since Boire fails to disclose or suggest this underlined claimed feature, the anticipation rejection based on Boire should be withdrawn. These claimed features are certainly not inherent in Boire. It is the USPTO's burden to show that the prior art meets the claimed invention, and this clearly has not been done with respect to this claim. There is nothing in Boire which suggests that the reference meets the invention of claim 22. The Section 102(b) rejection of claim 22 should be withdrawn.

Claim 30

Claim 30 stands rejected under Section 102(a) as being allegedly anticipated by Stachowiak. This rejection is respectfully traversed for at least the following reasons.

Claim 30 requires that “the coated article is capable of being heat treated for 18 minutes at a furnace temperature of about 650 degrees C without realizing a sheet resistance increase of more than 0.1 ohms/square from the 8 minute mark to the 18 minute mark of such heat treatment, measured monolithically.” Stachowiak fails to disclose or suggest this. There is no mention in Stachowiak of anything akin to this. Moreover, Stachowiak’s structure is much different than the example non-limiting structure in the instant specification that is capable of realizing this feature. These claimed features are certainly not inherent in Stachowiak. Accordingly, since Stachowiak fails to disclose or suggest these underlined claimed features, the anticipation rejection should be withdrawn.

Claim 35

Claim 35 stands rejected under Section 102(a) as being allegedly anticipated by Stachowiak. This rejection is respectfully traversed for at least the following reasons.

Claim 35 requires “the coated article is capable of being heat treated at a furnace temperature of about 650 degrees C for 12 minutes, and realizing at least one of the following due to such heat treatment: (a) a visible transmission that does not decrease between the 8 and 12 minute marks of such heat treatment; (b) a transmissive b* value which does not change by more than 0.5 from the 8 minute mark to the 12 minute mark of such heat treatment; and (c) a sheet resistance in units of ohms/square which does not increase from the 8 minute mark to the 12 minute mark of such heat treatment.” Stachowiak fails to disclose or suggest this. There is

NUNEZ-REGUEIRO et al.

Appl. No. 10/797,561

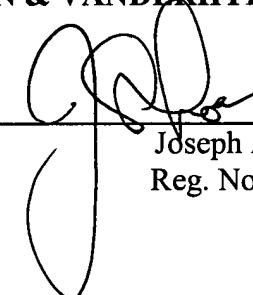
June 26, 2006

no mention in Stachowiak of anything akin to this. Moreover, Stachowiak's structure is much different than the example non-limiting structure in the instant specification that is capable of realizing this feature. Further, this feature is certainly not inherent in Stachowiak. Accordingly, since Stachowiak fails to disclose or suggest this underlined claimed feature, the anticipation rejection should be withdrawn.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100